

**REMARKS**

Claims 1-14 are pending in the application. Claims 1, 7, 8, 11 and 14 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

***I. TELEPHONE INTERVIEW***

Applicants wish to thank the Examiner for the courtesies extended to the applicants' undersigned representative during a telephone interview on January 6, 2010.

During the telephone interview, the differences between Fig. 11 of the present application and Fig. 5 of Nakamura et al. were discussed. Applicants pointed out how the slopes of the respective lines were indicative of the amount of data read into and from the buffer memory and the relevant timing. As discussed with respect to claim 1, the reading control section of the present invention reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an instruction to start the playback of the content. Applicants pointed out to the Examiner that in Nakamura et al. the playback begins concurrently with the readout of the data from the storage medium as previously argued by the applicants.

The Examiner acknowledged the distinction between the present invention and Nakamura et al., but asked that the applicants amend the claims to recite more clearly such distinction. In particular, the Examiner asked that applicants amend claim 1, for example, to recite "wherein the reading control section...accumulates the data of the predefined size in the buffer memory initially, and then gives an instruction to start to playback the content".

The Examiner agreed that such amendment would overcome the existing rejection, and that a follow up search would need to be conducted.

Applicants have amended independent claims 1, 7, 8 and 14 in corresponding manner. Accordingly, the rejection set forth in the Office Action is now moot. Nevertheless, the rejection is addressed specifically below.

**II. REJECTION OF CLAIMS 1-14 UNDER 35 USC §102(e)**

In the Office Action, claims 1-14 are rejected under 35 USC §102(e) based on *Nakamura et al.* ('681). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Referring to claim 1, for example, a data processor is provided for reading content data from a continuous area on a storage medium and playing back video and/or audio based on the content data. The continuous area includes a data area, in which the content data is stored, and a non-content-data area, in which the content data is not stored. Claim 1 recites, *inter alia*:

a reading control section for giving an instruction to read the content data of a predefined size from the data area and an instruction to start to play back the video and/or the audio based on the content data that has been read out; ...[and]

wherein the reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data of the predefined size in the buffer memory initially, and then gives an instruction to start to play back the content. (Emphasis added).

Similar language is found in remaining independent claims 7, 8 and 14.

Such features of the present invention are exemplified in step S102 in Fig. 10 of the present application, and by the initial time period shown in Fig. 11 during D1. In particular, the invention relates to reading data from the continuous data area initially without starting play back for an initial period of time, and then giving an instruction to start to play back the content. Stated differently, the read control section/step of the present invention initiates reading of the content data and the storage thereof in buffer memory for a time prior to beginning the playing back of the content such that extra data is accumulated prior to beginning play back. This is advantageous in that if a defective

area is encountered, play back may continue based on the accumulated data while skipping the defective area.

Nakamura et al.:

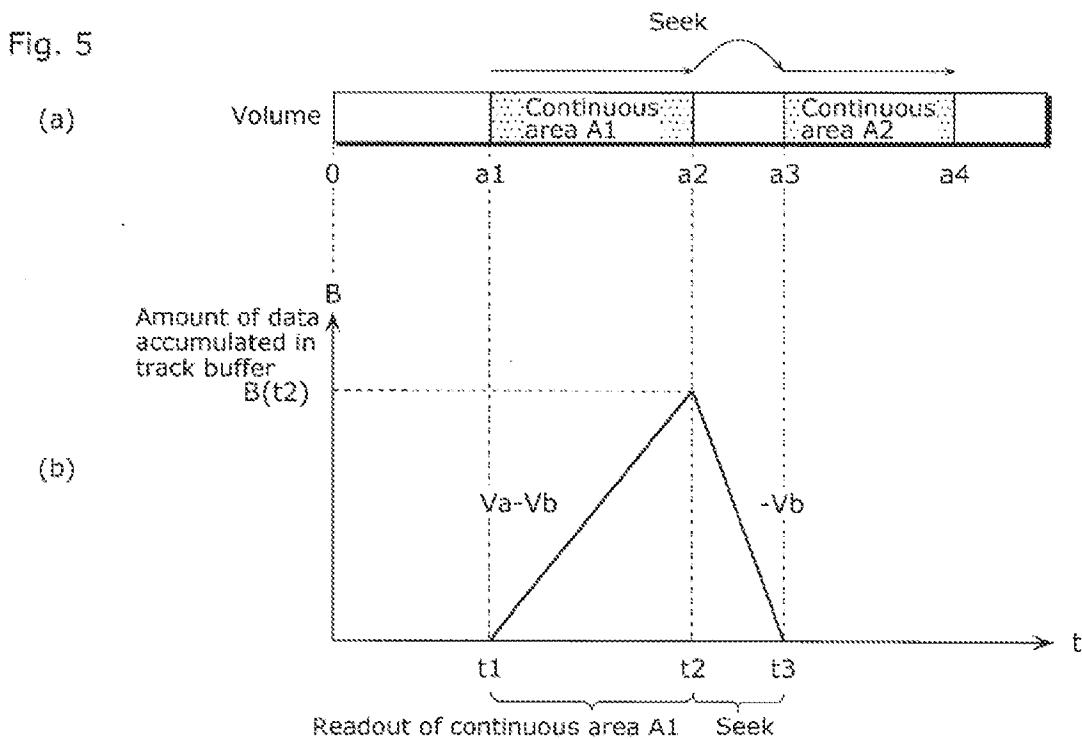


Fig. 5 of *Nakamura et al.* is reproduced above. The Examiner relies on Fig. 5 and paragraphs 0115-0119 of *Nakamura et al.* in rejecting claims 1-14. The Examiner previously submitted that Fig. 5 and paragraph 0119 represent a reading control section/step for determining the predefined size by the amount of time it takes to skip the non-content-data area, reading the content data of the predefined size, accumulating the data in the buffer memory, and then giving an instruction to start to play back the content as recited in claims 1, 7, 8 and 14.

Applicants again respectfully submit that in *Nakamura et al.*, it is at time  $t_1$  as shown in Fig. 5 that the apparatus begins the readout of the data. Most notably, the data is readout while simultaneously being outputted from the track buffer 103. (Paragraph 0119, lines 7-9).

More particularly, in Fig. 5(b) of *Nakamura et al.* “Va” refers to the input rate of data read into the track buffer 103. “Vb” refers to the output rate of data from the track buffer 103. Id. Thus, “Va-Vb” during the time period t1 to t2 (which the Examiner equates with the claimed predefined time/size) represents *both* reading and playback of the content being simultaneously performed. As a result, in *Nakamura et al.* if a defect area exists in continuous area A1 in Fig. 5(a) it may be that the data to be output will run short in the track buffer 103 and the playback be stopped.

Applicants therefore respectfully submit that *Nakamura et al.* does not teach or otherwise render obvious the invention in which the reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data of the predefined size in the buffer memory initially, and then gives an instruction to start to play back the content as recited in claims 1, 7, 8 and 14. As noted above, *Nakamura et al.* teaches reading the data into the buffer (Va) at the same time as reading the data from the buffer (Vb). The difference between the read-in rate and read-out rate (Va-Vb) thus determines the amount of data accumulated in the buffer as shown in Fig. 5.

Similar arguments apply with respect to claims 7 and 14, wherein the reading control section determines the predetermined period of time by the amount of time it takes to skip the non-content-data area.

For at least these reasons, applicants respectfully request that the rejection of claims 1-14 be withdrawn.

### **III. PRIORITY DOCUMENT**

The Examiner again notes that applicants have not yet filed a certified copy of the foreign priority document.

Since the present application is a 371 of PCT/JP2004/011222, a copy of the foreign priority document should already have been provided by the International Bureau under PCT Rule 17.2(a). The undersigned recently contacted the PCT Division

at the USPTO and learned that due to oversight the foreign priority document had not yet been added to the file in the present application.

The USPTO has since corrected the oversight. A certified copy of the priority document may now be found in the image file wrapper with an entry date of January 27, 2006.

**IV. CONCLUSION**

Accordingly, all claims 1-14 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino  
Reg. No. 34,243

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The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113

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